Public Services (1954) Department

SERIES.

G.O. No. 1524

Dated

[Despatch Abstract.]

LEGISLATIVE ASSEMBLY- Cut Motions Under Demand XII- Papers Recorded.

P of B.E. 137-150- Demand No.*XII. 17551/2-3-48

144 M.S. Abdul Majid Sahib Bahadur, M.L.A.
145 Muhammad Raza Khan Sahib Bahadur, M.L.A.
146 Mohamed Abdul Slam Sahib Bahadur, M.L.A.

HOME

To reduce the allotment of Rs.1,36,28,500

For Administration of Justice by Rs. 100/-

(To discuss the question of seperation of Judiciary from the Executive.)

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NOTE FILE:

PUBLIC (SEPARATION) DEPARTMENT.

Sub: SEPARATION OF THE JUDICIARY FROM THE EXECUTIVE Budget for 1948-49- Cut motion to reduce the allotment by Rs. 100 under demand No. XII- Administration of Justice for discussing the question of Separation of Judiciary.

The motion at p.1 c.f. is for a token cut of Rs. 100 under demand No. XII. It has been tabled to discuss the question of Separation of Judiciary from Executive. The following is a brief note on the subject in question.

2. The Government took up the question of the Separation of the Judiciary from the Executive in 1946 and appointed a Committee presided over by the Advocate-General to consider possible schemes for the separation and to report to the Government on the best scheme.possible. The Committee submitted its Report in November 1946. The remarks of the High Court, Public Service Commission and the Board of Revenue were invited thereon. Government constituted a Committee of the Cabinet, consisting of H.M. (Home) as Chairman, and H.Ms. Public Works, Industires, Prohibition and Agriculture as members, to examine the recommendations contained in the Report of the Committee. To assist the Committee, and Additional Secretary to Government in the Public Department with an Assistant Secretary and the necessary staff were sanctioned for six months in the first instance and the special staff started on its work on 3rd September 1947.

3. The Report of the Committee and the remarks thereon by the High Court, Madras Public Service Commission and the Board of Revenue were examined in detail by the Cabinet Committee at its first two meetings. The Cabinet Committee approved of the recommendations of the Report of the Committee with some modifications and decided that the scheme of separation should be proceeded with and extended to the Province as a whole and directed that detailed proposals be worked out for examination by the Committee.

The Special Staff is engaged in the task of working out the details of the scheme viz. constitution and location of the courts required under the scheme, consequential retrenchment in the Revenue Establishment of the Province, the financial implications of the introduction of the scheme, recruitment to the new cadre of Magistracy and other allied questions. The work is proceeding as expeditiously as circumstances permit. The delay so far in due to the fact that repolls from the Districts have been rather slow in coming on.

With the above remakrs the file may be circulated to H.M. (Home).

The Assembly has agreed to Demand No. XII without any reduction. The printed proceedings of the Legislature may be awaited.

Please see the cut motions under Demand XII at pp 1-4 c.f The full text of the Legislative Assembly proceedings on Demand XII is on pages 381-198, 413-433 and 454-475 of the Legislative Assembly proceedings dated 18th, 19th and 20th March respectively.

The demand No. XII has been voted in the Assembly without any reduction. No further action seems necessary. The papers may be recorded as C

Attention is invited in this connection to the exceppt below of pages mf 468, 469 of No. 7 of Volume XI of the Madras Legislative Assembly debates, official Report of Saturday, 20th March 1948, wherein H.M .(Home) has summed up the work of this Department in appreciative terms:---

The Hon. Dr. P. Subbaryan:- "Mr. Speaker, I shall straightaway deal with the question of the separation of the judicial and executive functions. My Friend, the learned Member for the University, referred to it and said that the report was ready; but I mmay say that there are always two personalities in a person; when he is in office he thinks one way and when out of office, criticism becomes more imminent. He knows as well as I do the difficulties that confront the administrators. I can assure hon. Members that the present Legal Secretary has dealt with this matter as expeditiously as could be done and I am here to pay my tribute to my Secretary whose work has been of such a high standard that I cannot imagine that the work could have come to this stage that it has come to-day if it were not for the way in which he has hustled me himself. Therefore, hon. Members will understand that all that could be done is being done to bring the separation into effective operation in the course of a month or two. In fet we have had to obtainmx information from every district officer what are the Revenue Divisions that might be retrenched if there is the separation between the judiciary and the executive and we have done, owing to the ability of this officer, work which might have taken nearly six or seven months in about three or four months' time. Therefore, hon. Members may rest assured that it is the definite policy of the present Government to separate the judiciary from the executive and bring it into effect as early as we possibly can subject to what I have said, but things have got to be examined; the District Officers have got to have their say; the Board of Revenue have got to have their say and the Hon. Judges of the High Court have got to have their say. I am only sorry that my hon. Friend for the University is not present here but he knows the difficulties as well as I do and how I can be a carping critic of what the Members on the Treasury Bench do or do not if I have the freedom to do so. My only justification for the delay that has been caused is the examination and the very careful examination that is necessary before the policy- and it is the definte policy of Government- can be put into effect, becuase onee it is put into effect we want it to run smoothly without any trouble whatever.

The papers may be recorded as G.O. No. 1524 dated 25.6.1948.

G.O. No. 1524. D/25-6-1948.
Abstract:
L.A. Cutmotions Under Demand XII- Papers Recorded.

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Office Assistant,
Madras Record Office.

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